

Exhibit 42

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

BRIAN JOSEPH GREF, : Docket #20-cv-05589

Plaintiff, :

-against- :

AMERICAN INTERNATIONAL
INDUSTRIES, et al, : New York, New York
May 19, 2023

Defendants.

-----:

PROCEEDINGS BEFORE
THE HONORABLE VALERIE FIGUERO
UNITED STATES MAGISTRATE JUDGE

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E X H I B I T S

<u>Exhibit Number</u>	<u>Description</u>	<u>ID</u>	<u>In</u>	<u>Voir Dire</u>
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1 THE COURT: Hi, everyone. This is Brian
2 Joseph Gref v. American International Industries,
3 20-cv-5589. Just because of the number of people on
4 the call, I'm just going to limit. If counsel who,
5 I guess, intend to speak can introduce themselves.
6 So I'm going to start off with counsel for the
7 plaintiffs.

8 I understand Mr. Kramer is on the line; is
9 that correct?

10 MR. KRAMER: That is correct, Your Honor.
11 Good afternoon.

12 THE COURT: Good afternoon. And then for
13 Northwell Health, I understand Mr. Nathan Huff is on
14 the line.

15 MR. HUFF: Good afternoon, Your Honor.
16 That's correct.

17 THE COURT: Okay. And then for American
18 International Industries, Mr. Sargente, will you be
19 speaking or is there someone else that should be
20 identified?

21 MR. SARGENTE: I believe one of the other
22 attorneys for AII will be primarily the speaker.

23 THE COURT: And could either or both of
24 those attorneys just identify yourself, please.

25 MR. SCHONERT: Hi, Your Honor. This is

1 Neil Schonert with Lathrop, and Kurt Greve is on the
2 line as well.

3 THE COURT: Okay. Based on our prior
4 conferences, I think those were generally the three
5 entities that engaged in the discussion. If there's
6 anyone else who at any other point wants to chime
7 in, you're more than welcome to do so. I just ask
8 that you identify, make an appearance right now. So
9 if there's anyone else who wants to make an
10 appearance.

11 MR. MARINO: Good afternoon, Your Honor.
12 Kevin Marino, Marino, Tortorella & Boyle, for
13 Dr. Moline. I don't know if I'll be called on to
14 speak, but I wanted you to know I'm on the line.

15 THE COURT: Oh, yes, I'm sorry, Mr. Marino,
16 that I missed you, but I do recall from the prior
17 conferences. Thank you.

18 Okay. So this is really intended to be a
19 very short conference. I think the reason I asked
20 for the parties to get on this, I just wanted to get
21 on the record and just really get crystal clear what
22 plaintiffs mean when they say in their letter from
23 May 1st at ECF 337 that they're withdrawing
24 Dr. Moline's reliance on the Moline article.

25 And so, Mr. Kramer, if you just want to

1 explain what you mean when you say that, I'd like to
2 just get that on the record.

3 MR. KRAMER: Certainly, Your Honor. And I
4 think to get this as crystal clear as I possibly
5 can, and keeping in mind Your Honor's willingness to
6 keep this brief, the record and Your Honor may
7 benefit from just a history of how we got here. And
8 just to remind the Court of who this case is about,
9 I represent Brian Gref, who's currently 40 years
10 old. He was diagnosed with a fatal cancer,
11 mesothelioma, back in November of 2019.

12 We filed this case in a New York City
13 asbestos litigation in July of 2020. It was removed
14 by Johnson & Johnson to the Southern District on
15 July 20th, 2020, after which all discovery took
16 place. And as Your Honor is acutely aware, we are
17 now in our sixth month of litigating the issue of
18 the subpoena to reveal the identity of the
19 confidential human subjects at the heart of
20 Dr. Moline's 2020 article.

21 As Your Honor is also aware, back in
22 November, before this issue came to light, I and
23 others from my office had met and conferred with
24 defendants in this case to discuss issues
25 surrounding any possible continuation of

1 Dr. Moline's deposition, which had already gone
2 seven and a half hours as of last fall. At that
3 point, we had come to an understanding that any
4 continuation would be on her dose calculations,
5 which she began to testify about in her deposition.

6 It was only after that meet and confer
7 where we were surprised with AII's application to
8 reveal the identity of the article, which is not
9 something that was met and conferred about, not
10 something that was discussed, and yet became now the
11 central issue of six months of discovery litigation.

12 Now, we made the determination after we
13 appeared before Your Honor to discuss this issue
14 further a month or so ago that our duty to our
15 client, who is dying from a fatal cancer, needs to
16 go forward. We, therefore, on May 3rd, wrote to
17 Your Honor in our letter stating that because this
18 particular article is merely one of many, many
19 articles in the medical and scientific literature
20 connecting not only asbestos to this cancer, but low
21 levels of asbestos to the cancer, it is among
22 articles discussing fiber levels released by
23 asbestos in cosmetic talc in which Dr. Moline had no
24 hand in writing or researching.

25 And with that in mind and considering the

1 statement made on November 2020 made by AII in
2 Docket Number 263, its initial motion to compel on
3 page five, wherein they state that Dr. Moline is
4 entitled to keep this information confidential
5 should she decide not to testify about the article
6 or the cases therein upon direct examination, we
7 decided to take AII at its word, and we are
8 withdrawing Dr. Moline's reliance on this particular
9 article. We are withdrawing the minimal reliance,
10 as stated in our other experts' reports on this
11 particular article.

12 And we do not intend to address them on
13 direct examination with any of our experts. We do
14 not intend to have Dr. Moline discuss the cases on
15 direct examination. Which thereby, according to, I
16 think, AII's own reasoning, moots the entire issue.
17 We can move forward with discovery and get a trial
18 date for this living plaintiff.

19 So that's where we are, Your Honor. And,
20 as you may have seen, we filed last night a motion
21 for discovery sanctions against AII because -- and
22 we were not parties to the *Bell* litigation. Your
23 Honor is aware that this entire issue stems from a
24 false premise based on a false narrative that there
25 is any connection between a so-called allegation of

1 asbestos at Ms. Bell's workplace and her
2 mesothelioma, which has led us down this wild goose
3 chase for six months.

4 It has now been uncovered through discovery
5 in other cases that the entire premise of that has
6 been false. And there's been an attempt to persuade
7 this Court to unravel and reveal confidential
8 information based on nothing. AII's own experts
9 agree, after reviewing the same exact information as
10 Dr. Moline did in the *Bell* case, that there was
11 nothing to connect Ms. Bell to any occupational
12 exposure there, therefore no controversy --

13 MR. GREVE: Excuse me, Mr. Kramer --

14 MR. KRAMER: I'm still speaking.

15 MR. GREVE: Your Honor, would you like me
16 to object now before he is done?

17 MR. KRAMER: No, no, no.

18 MR. GREVE: I mean, I'm just -- we're
19 talking now about a motion that's not properly
20 before the Court for this hearing. It was filed
21 last night.

22 MR. KRAMER: No, I think -- I'm still
23 talking.

24 MR. GREVE: I think Mr. Kramer understands
25 that the level of misrepresentations here are quite

1 extreme.

2 MR. KRAMER: Well, we look forward to the
3 full argument on that. I only raise it now, Your
4 Honor, because --

5 MR. GREVE: To summarize --

6 MR. KRAMER: Wait a minute, wait a minute.
7 Your Honor, Your Honor --

8 MR. HUFF: I don't understand why he's
9 still speaking over Mr. Kramer. I don't understand
10 it.

11 THE COURT: So I'm just going to chime in a
12 minute. To just interrupt, I really don't want to
13 spend any more of your time or my time on this. And
14 the reason for the conference was really to get on
15 the record exactly what Mr. Kramer meant by he was
16 going to withdraw his reliance.

17 Mr. Kramer, I just want to confirm, because
18 I'm familiar with Dr. Moline's expert report and I
19 know she cites to the article. Despite the
20 citation, there won't be any direct -- she cites to
21 it, I believe, in a footnote.

22 But despite the citation, you don't intend
23 to have her discuss it in any way; is that correct?

24 MR. KRAMER: That is correct. And we have
25 offered -- I'm sorry, Your Honor.

1 THE COURT: No, no, go ahead.

2 MR. KRAMER: I was saying, and we're
3 offering her to get to the heart -- to get back to
4 what was initially the request to continue her
5 deposition, we feel that it's fair to offer three
6 hours to further explore the dose calculations that
7 she discussed. And, as we also mentioned, because
8 now we are six months beyond where we had expected
9 to be in this case, she has authored other articles
10 or one other article in particular. We feel that is
11 fair game. We would amend her expert disclosure to
12 include reliance on that as well.

13 THE COURT: Reliance on a different
14 article?

15 MR. KRAMER: Correct.

16 THE COURT: Okay. And then you had also
17 briefly stated that you had other experts that also
18 relied on this 2020 Dr. Moline article; is that
19 true?

20 MR. KRAMER: That is true.
21 Dr. Finkelstein --

22 THE COURT: Then on the -- no, go ahead.
23 Go ahead.

24 MR. KRAMER: Dr. Finkelstein references the
25 article very minimally in his report. He has

1 already been deposed in this case. He will not rely
2 upon the article on direct. And Dr. Zhang, who is
3 our pathologist, who really will only be talking
4 about diagnosis in this case, will not be relying
5 upon it. We were not going to ask him about it on
6 direct, either.

7 THE COURT: Okay. So just to keep this
8 moving along, everyone's aware, you know, the party
9 issuing the subpoena has to demonstrate that there's
10 the information -- on a motion to quash, I'm sorry,
11 the defendants bear the burden of demonstrating that
12 the information sought is relevant and material to
13 the claims of the case.

14 I'm not going to give you a written
15 decision because it's pretty clear, given
16 Mr. Kramer's statements on the record, that they're
17 not at all using or relying on Dr. Moline's 2020
18 article, that there just isn't a basis to conclude
19 that the article is relevant. And for the reasons
20 we've discussed at length at two conferences, the
21 burden on Northwell Health here, there's no way
22 defendants can overcome the showing of burden if
23 there's no relevance hook. And if Dr. Moline is not
24 relying on her article, there is no relevance hook.

25 MR. GREVE: Your Honor, counsel for AII.

1 May I be heard on that?

2 THE COURT: Sure.

3 Is this Mr. Greve?

4 MR. GREVE: Yes, Your Honor. And let me
5 make sure I understand -- if I understood the Court
6 correctly.

7 Is the Court of the opinion at this moment
8 in time that the issue is moot because Mr. Kramer
9 has expressed his disclaimer of the Moline 2020
10 article in any form or fashion? Did I understand
11 that correctly?

12 THE COURT: Yeah. I mean, it's more than
13 just mootness; right? Under the analysis, we look
14 at the burden on Northwell Health and the relevancy
15 of the information. You know, at one point
16 previously, I think from the prior two conferences,
17 I might have alluded to the belief that I thought it
18 was relevant because this was -- you know,
19 Dr. Moline is the causation expert, and this was one
20 of the articles she was relying on to show the
21 causal link between the mesothelioma and the
22 exposure to cosmetic talcum powder.

23 If she's no longer relying on this article
24 in any way, which, from Mr. Kramer's assertions,
25 that's what it sounds like or that's what it's being

1 represented to be on the record, then there's no
2 longer a basis for defendants to claim the
3 information is relevant. And we're not just talking
4 about any information. Again, we're talking about
5 HIPAA-protected information, information that's
6 protected under the common rule.

7 And for the many reasons Northwell Health
8 has outlined in their letter, it would be burden --
9 unduly burdensome for them to produce that
10 information. Now, if the information had been
11 relevant, I think there's arguments to be made that
12 the calculation is different. But right now, if
13 they're not relying on the article in any way,
14 there's no relevancy hook.

15 MR. GREVE: And, Your Honor, if I can
16 address them not relying on it in any way, again,
17 like we've seen before, they say this, but then what
18 does that really mean? The Moline 2023 article, the
19 new article that they would like to supplement and
20 make part of the Gref case, incorporates by
21 reference the Moline 2020 article. It is a
22 continuation of that work.

23 So the representation that there's nothing
24 in any way that would connect what's going to happen
25 in the future to the 2020 article that was subject

1 to the subpoena is absolutely false. It will be
2 part of it. And, Your Honor, when plaintiffs make
3 the statement that, oh, we won't use this on direct
4 or we won't use this affirmatively, well, they can
5 still talk.

6 The ultimate opinion that Dr. Moline has
7 that she wants to express is that the cosmetic talc
8 is a cause of pleural or peritoneal mesothelioma.
9 That's the ultimate opinion. And she can mention
10 this without even mentioning the article name. But
11 you can't unring this bell. This is the foundation
12 of her opinion, and it starts with Moline 2020,
13 which is then incorporated into the new article,
14 Moline 2023.

15 And while plaintiffs have made some
16 affirmatives that there may be 500-some-odd
17 referenced articles, as you illustrate or as you
18 asked Mr. Kramer or one of the attorneys on the
19 other side in the last hearing, it ultimately boils
20 down to Emery and Moline for the proposition of any
21 type of cosmetic talc being associated with
22 mesothelioma. And they need this article. They
23 need this bridge because they don't have any
24 large-scale, peer-reviewed scientific
25 epidemiological studies to support their position.

1 In fact, that information proves the
2 opposite. Miners and millers who milled this stuff
3 and mined this stuff didn't get mesothelioma. And
4 that's why this article was created to begin with.
5 And so if we were just looking at the cross
6 examination aspect of this, it's not as simple to
7 say, oh, well, she's not going to rely on it. It's
8 part of her foundational opinion. It's actually
9 referenced in this new article.

10 And then when we cross over to the next
11 level of when we challenge this expert in a Daubert
12 process, the underpinning the foundation of her
13 initial opinion is always going to be at issue here.
14 And the fact that one of Moline's 33 has been
15 established to be suspect, you know, for lack of a
16 better word, but definitely there is significant
17 evidence of alternate exposure that should have been
18 considered by Dr. Moline. Okay?

19 At the very least, she should have
20 recognized it. She should have considered it. And
21 so that goes to her methodology. And that was
22 something that was talked about extensively in the
23 *Bell* opinion, that when we were dealing with the
24 expert challenge here, her foundation, how she came
25 to this conclusion, her methodology, all of this is

1 going to be significant. This goes to Dr. Moline's
2 bias, and it goes to her credibility.

3 And their withdrawal of the "we won't
4 mention this on direct" is illusory. This topic is
5 going to come up. And despite Mr. Kramer's
6 representations that they weren't going to use this
7 in any form or fashion, it is being used in a form
8 and fashion. It's directly referenced in the new
9 article that he wants to insert into this exact
10 matter at this late point in time, an article that
11 has the exact same problems as Moline 2020.

12 We haven't asked any of their experts about
13 Moline 2023 and that article. We haven't talked to
14 anyone about that. And the discovery that will
15 ensue and will result from us trying to understand
16 the provenance, the history, the foundation for the
17 Moline 2023 hearing, that's going to take an
18 extensive amount of time.

19 And so as plaintiffs are just saying,
20 "Judge, we just want to substitute in this other
21 article; it's really no big deal," it's a huge deal.
22 And the substitution, as I mentioned before, even
23 references the 2021 that they're trying to disclaim
24 reliance on. It makes no sense. And it's just not
25 something that will be manageable at trial because

1 there will always be a way for them to get this
2 information in. And at the same time, they will
3 have run out the clock in terms of any discovery
4 that can be done on this that would reveal the true
5 nature and potential bias of the foundation of
6 these, quote/unquote, test subjects.

7 THE COURT: Either Mr. Marino or
8 Mr. Kramer, this 2023 article, is it a different
9 scientific study with different individuals?

10 MR. KRAMER: It has different individuals
11 incorporated within it.

12 Just to frame this correctly, Your Honor --
13 this is Mr. Kramer. The original article dealt with
14 33 patients of which none of them had any known
15 exposures to asbestos. The new article actually
16 addresses the very issue that defendants claim they
17 were so interested in because it identifies
18 individuals with both cosmetic talc exposure and
19 other exposures to asbestos-containing products and
20 comes to the same conclusion.

21 So I'm not sure exactly how this would blow
22 open all sorts of credibility issues and issues of
23 discovery. But, briefly, Your Honor, just to reset
24 the table here of what we're actually here to
25 discuss, we're not here to discuss Daubert. We're

1 not here to discuss motions for summary judgment.
2 And, respectfully, Your Honor, you're not here to
3 discuss what may happen at the trial after motions
4 in limine or when the trial judge decides how
5 information can be used.

6 We're here on a discovery issue and we've
7 now, I think as Your Honor has already alluded to,
8 given adequate representation such that the
9 relevancy issue is now completely obliterated.
10 Should AII or others wish to raise something about
11 this issue in a Daubert challenge, they're more than
12 free to. In fact, they could use this affirmation
13 however they want in a Daubert motion. So they can
14 still do whatever they plan to do regarding
15 foundation.

16 That has nothing to do with whether or not
17 this article should now still be used despite their
18 representations that, even if we withdrew it, that
19 would nullify the issue. As to credibility, again,
20 there is a disclaimer in every single article on
21 this subject where Dr. Moline tells the world, the
22 publishing world, exactly where she got the
23 information. So credibility is something that can
24 still be explored on the stand.

25 And as to whether this topic is going to

1 come up, well, it's not going to be coming up
2 through us. If they choose to somehow insert this,
3 then -- you know, and the door is open, that's on
4 them. But we have made our affirmation. We have
5 made our representation to Your Honor. It's now on
6 the record, and we intend to obviously abide by it
7 in any directive that either Your Honor or the trial
8 judge may give.

9 THE COURT: Okay. So I think, Mr. Kramer,
10 I agree, the reliability of Dr. Moline's methodology
11 or her credibility in terms of any scientific method
12 she used for this 2020 article is certainly
13 something that is explored at a Daubert motion or
14 hearing, not here.

15 So, again, for the reasons I've already
16 indicated, I'm going to grant Northwell Health's
17 motion to quash or to modify the subpoenas because I
18 believe they were willing to comply with some
19 aspects of it. I will enter an order indicating
20 that. But the reasoning will be the reasons I gave
21 on the record just now.

22 MR. GREVE: Your Honor, if I may ask one
23 question. I understand the Court's ruling, but on
24 the issue of mootness, if an underlying dispute
25 between two parties is capable of repetition yet

1 evading review, would that mean it's not moot?

2 THE COURT: So, just to be clear, I'm not
3 finding that it's moot. I'm finding that defendants
4 have not established that the information they seek
5 is relevant to their claims here now, and that given
6 the very minimal relevance we're talking about,
7 which is basically that the 2020 article is somehow
8 incorporated into a new article involving new
9 individuals that she published in 2023, and given
10 Mr. Kramer's indications that the 2020 article will
11 not be used offensively in any way by plaintiffs.

12 Again, because defendants haven't shown
13 that the information they're seeking is relevant to
14 their claims, and Northwell Health has made an ample
15 showing that it will be unduly burdensome for them
16 to disclose the identities of these individuals. So
17 that's the basis of my reasoning that the undue
18 burden on Northwell outweighs any potential
19 relevancy here. It's not mootness.

20 MR. GREVE: Okay. I understand,
21 Your Honor.

22 And then one last point of clarification.
23 So if discovery was allowed and the remaining 32
24 individuals were also identified and also determined
25 to have alternate exposures to asbestos that were

1 not disclosed by Dr. Moline, similar to that of
2 Mrs. Bell, that would not be relevant or sufficient
3 enough relevance to garner that type of discovery.

4 Do I understand that correctly?

5 MR. KRAMER: Your Honor, I think this is
6 now going into an advisory opinion based on a
7 hypothetical that, frankly, I don't even understand.
8 I don't think it's even appropriate to ask the Court
9 that.

10 MR. GREVE: Well, let me see if I can -- my
11 question, Your Honor, is: We're saying that there
12 hasn't been an establishment of this being relevant
13 in light of Northwell's concerns and plaintiff's
14 concerns. And ultimately, what we're trying to find
15 out is if Dr. Moline made material
16 misrepresentations of fact regarding alternate
17 exposure to known asbestos for the other 32
18 individuals, similar to what was done in the Bell
19 instance.

20 Is it the Court's opinion that that
21 information is not something that a defendant would
22 be entitled to, nor would it have any significance
23 in terms of carrying its burden on this motion?

24 THE COURT: No. I mean, I don't think I'm
25 at all suggesting that. I'm saying that within the

1 context of the information you seek for the 2020
2 article, the basis for the relevancy determination
3 was that she was relying on the 2020 article in her
4 expert opinion and she was using it affirmatively to
5 establish that causation nexus.

6 But if they're no longer relying on it,
7 that's the reason it's no longer relevant, the
8 reason you've no longer shown that it's relevant to
9 the claims here. Your issue about the material
10 misrepresentations, that's certainly something you
11 could bring up on a Daubert challenge completely
12 unrelated to whether she's relying or using the 2020
13 article.

14 MR. GREVE: And, Your Honor, one thing, as
15 the new article has been interjected, I think there
16 was a representation that Mr. Gref was not part of
17 the 2020 Moline article.

18 Is there any representation that
19 Plaintiff Gref is not included in the new Moline
20 2023 article?

21 MR. HUFF: Your Honor, this is Nate Huff
22 for Northwell. At the appropriate time, I had a
23 clarification I just wanted to make before you issue
24 your ruling. So whenever you're ready to hear from
25 us on that, we're happy to proceed.

1 THE COURT: Well, Mr. Huff, I don't know if
2 now is a good time. Feel free to chime in.

3 MR. HUFF: Sure.

4 So there have also been -- in the course of
5 the various briefing on our motion to modify, there
6 had also been a pair of cross motions to compel that
7 basically and entirely incorporated by reference all
8 of the same arguments. In other words, they weren't
9 raising new grounds. It was just an alternate, a
10 repackaging of the same arguments. And so we just
11 flag that for you in case it's also your intent to
12 simultaneously deny those cross motions to compel.

13 And then you had also noted that there were
14 some aspects of the subpoenas to which Northwell was
15 willing to comply -- or with which Northwell was
16 willing to comply. We just wanted to note for the
17 record that, with regard to those aspects, we have
18 made a document production already back at the
19 outset. And so with the Court's ruling, we would
20 view our role in responding to the subpoenas to be
21 complete.

22 THE COURT: Okay. Mr. Huff, thanks for the
23 clarification. I found the cross motion to compel
24 at 281, but the analysis would still be the same.

25 MR. HUFF: Yes, Your Honor, we agree with

1 that because it's the exact same argument. It's
2 just fully incorporated. We just wanted to flag
3 that just because those are also hanging out there.

4 THE COURT: Yes, I appreciate it. The
5 written order will close out all those motions.
6 And, again, it's for the reasons I've indicated on
7 the record. So there won't be a written decision.

8 MR. HUFF: Yes, Your Honor.

9 THE COURT: Is there anything else from
10 anyone else?

11 MR. GREVE: Yes, Your Honor. Kurt Greve
12 with AII.

13 In terms of the logistics associated with
14 this order and the introduction of -- I guess, is
15 the Court going to allow Mr. Kramer to substitute in
16 additional reliance material, specifically the
17 Moline 2023 article? Because if the Court's
18 inclined not to allow that additional
19 supplementation, then that would alleviate the need
20 for going back and redeposing every single expert in
21 this case on that subject matter.

22 And, obviously, the amount of time that we
23 would need to spend with Dr. Moline would be
24 significant, considering this is a brand new
25 article. The provenance is obviously going to come

1 into question, the foundations are going to be to
2 questioned, and we're ultimately going to be
3 relitigating the exact same issues that we did with
4 Moline 2020. Understanding they're now saying
5 they're not going to use it in any way, that we
6 would have the same questions for Moline 2023.

7 So while plaintiff has made some references
8 to attempting to do that, is the Court inclined to
9 allow them to supplement their disclosures and their
10 discovery and allow this new article to come in,
11 which would basically reset expert discovery in the
12 entire case?

13 MR. KRAMER: Well, Your Honor, I disagree
14 with that representation -- this is Jim Kramer --
15 that it would reset discovery in the entire case.
16 And I also disagree that they would be entitled or
17 have shown any need or entitlement to any
18 information in 2023. But I wanted to insert that
19 just so that the record is clear.

20 MR. GREVE: Well, Your Honor, we definitely
21 would need to know if Brian Gref is included in the
22 Moline 2023 article. That would be extremely
23 relevant to the Gref case.

24 THE COURT: So I'm just going to chime in a
25 minute because, until this conference, the 2023

1 article was never at all discussed by the parties.
2 So this might be a situation where it would make
3 sense for the parties to meet and confer and decide
4 what's going on with the 2023 article before you
5 want my involvement, particularly because it's an
6 issue you just raised.

7 So that's why, Mr. Greve, I can't tell you
8 either way what my ruling is on the 2023 article
9 because this is really something that was not at all
10 within the scope of what we've been talking about
11 until a few minutes ago.

12 MR. GREVE: Understood.

13 THE COURT: If there's nothing further,
14 then the issue of the 2023 article, you can
15 certainly meet and confer and send us a letter. I
16 will say, though, at this point, with the other
17 motion for sanctions that just got filed, if your
18 goal is to try to get this case moving along, the
19 additional motions are only going to slow you down,
20 for obvious reasons.

21 Thank you, everyone.

22 MR. KRAMER: Understood, Your Honor. Thank
23 you.

24 MR. GREVE: Thank you, Your Honor. Have a
25 good weekend.

C E R T I F I C A T E

I, Marissa Mignano, certify that the foregoing transcript of proceedings in the case of BRIAN JOSEPH GREF v. AMERICAN INTERNATIONAL INDUSTRIES, et al., Docket #1:20-cv-05589, was prepared using digital transcription software and is a true and accurate record of the proceedings.

Signature Marissa Mignano
Marissa Mignano

Date: May 23, 2023